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December 6, 2021

VIA ECF

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *United States v. Andrey Kukushkin, et al.*, S3
19-CR-00725 (JPO)

Dear Judge Oetken:

We are the attorneys for Andrey Kukushkin, a defendant in the above-referenced matter. We write to respectfully request an adjournment of Mr. Kukushkin's sentencing, currently scheduled for February 16, 2022, along with the related PSR disclosure deadlines and sentencing submissions as follows:

Document/Submission	Current Date	Requested Adjourn Date
Draft PSR	December 16, 2021	January 18, 2022
Objections to PSR	December 30, 2021	February 11, 2022
Final PSR	January 13, 2022	March 4, 2022
Defense Sentencing Memo	February 2, 2022	March 24, 2022
Government Sentencing Memo	February 9, 2022	March 31, 2022
Sentencing	February 16, 2022	April 7, 2022

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This request is occasioned by a number of issues: (1) the defense requires additional time to gather materials for Probation and will require additional time to file objections; (2) the current schedule for the PSR disclosures and filing of objections conflicts with the holidays and scheduled time-off and simply adjourning it by a few weeks will interfere with the post-trial briefing schedule; (3) assuming Mr. Kukushkin's post-trial motions are not granted – we submit they should be – we anticipate significant legal issues to arise in connection with his sentencing, requiring additional preparation time; and (4) Mr. Kukushkin and various members of his family, including his minor child who is scheduled to undergo surgery on or about December 27, 2021, and his elderly father, are experiencing significant health issues that do or may require surgery and significant rehabilitation of which Mr. Kukushkin will be an integral part. Finally, we note, that at the time the sentence was set – immediately after Mr. Kukushkin's conviction – the Court indicated that if “it turned out that the date doesn't work, we can always push it back”. *See* Tr. 1537:13-14. And, we have no reason to think that if proposed at the time, the Court would not have set the requested schedule.

Based on the foregoing, we respectfully request that the Court grant the instant application. The government objects as not in the public interest. We have spoken with the U.S. Probation Officer Specialist assigned to prepare Mr. Kukushkin's presentence report, Tandis Farrence, and she has indicated that Probation does not take a position on adjournment applications by the parties, but that Probation will be able to meet the disclosure deadlines set by the Court.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Gerald B. Lefcourt
Gerald B. Lefcourt

cc: All counsel (via ECF)
Tandis Farrence, U.S. Probation Officer Specialist